

CITY COUNCIL AGENDA

APRIL 3, 2007

SYNOPSIS

PETE CONSTANT
FORREST WILLIAMS
SAM LICCARDO
VACANT
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

CHUCK REED, MAYOR

PIERLUIGI OLIVERIO
MADISON P. NGUYEN
DAVID D CORTESE, VICE MAYOR
JUDY CHIRCO
NANCY PYLE

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Community & Economic Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Neighborhood Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation & Aviation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 9 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

- **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- When the Council reaches your item on the agenda, Mayor Reed will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
- Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas and Staff Reports for City Council items may be viewed on the Internet at www.sanjoseca.gov/clerk/agenda.asp. Council Meetings are televised live and rebroadcast on Channel 26.

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call (408) 535-1260 or (408) 294-9337 (TTY) at least two business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**
 - 9:31 a.m.** - Closed Session, Call to Order in Council Chambers
Absent Council Members: None.
Vacant: District 4.
 - 1:31 p.m.** - Regular Session, Council Chambers, City Hall
Absent Council Members: None.
Vacant: District 4.
 - 7:01 p.m.** - Public Hearings, Council Chambers, City Hall
Absent Council Members: None.
Vacant: District 4.
- **Invocation (District 4)**
Pastor of Worship Larry Allbright, Lincoln Glen Church, sang the “Lord’s Prayer”.
- **Pledge of Allegiance**
Anthony Williams and Tiara Nguyen, St. Clare School, led the Pledge of Allegiance.
- **Orders of the Day**
The Orders of the Day and the Amended Agenda were approved, with Item 1.4 heard in the evening, Item 2.1 deferred to 4/17/07, Item 3.1 deferred to 4/10/07, Item 3.2, Rules & Open Government Committee Report dated March 14, 2007 deferred to 4/10/07 and Item 3.4 deferred to 4/24/07.
- **Closed Session Report**
No Report.

1. CEREMONIAL ITEMS

- 1.1 Presentation of a commendation to the Employee Values Project Team for their exemplary dedication and valuable contributions to the City organization. (City Manager's Office/Mayor)
Mayor Reed and City Manager Les White recognized and commended the Employee Values Project Team for their outstanding dedication to the City organization.
- 1.2 Presentation of a proclamation declaring the month of April as National Fair Housing Month. (Housing)
Mayor Reed and Director of Housing Leslye Krutko recognized the month of April as "National Fair Housing Month" in the City of San José.
- 1.3 Presentation of the California and Nevada Festival and Event Awards and Commendation to the Parks, Recreation and Neighborhood Services San José Holiday Parade Team. (Parks, Recreation and Neighborhood Service)
Mayor Reed and Director of Parks, Recreation and Neighborhood Services Albert Balagso recognized and commended the Parks, Recreation and Neighborhood Services Holiday Parade Team.
- 1.4 Presentation of commendations to Ray Furuta, Lauren Gripenstraw and Theodore Chao, three members of the San Jose Youth Symphony from Districts 5, 9 and 10. (Campos/Chirco/Pyle)
(Rules Committee referral 3/28/07)
Heard in the evening.
Mayor Reed and Council Members Campos, Chirco and Pyle recognized and commended Ray Furuta, Lauren Gripenstraw and Theodore Chao, of the San Jose Youth Symphony from Districts 5, 9 and 10. Mr. Furuta was not present.
- 1.5 Presentation of a commendation to Joevelyn Orasa for her dedication and passion to promote the teachings and wisdom of Dr. Martin Luther King and to encourage students to creatively find meaning in his words and interpret them for her generation through writing, art and multimedia expression. (Cortese)
(Rules Committee referral 3/28/07)
Mayor Reed, Vice Mayor Cortese, Council Members Campos, Nguyen, Pyle and Williams and Chief of Police Robert Davis recognized and commended Joevelyn Orasa for her outstanding dedication to promote the teachings and wisdom of Dr. Martin Luther King. Ms. Orasa read her poem in honor of Dr. King.

2. CONSENT CALENDAR

2.1 Approval of Minutes.

Recommendation: Approval of minutes:

- (a) Current Minutes

There were none.

- (b) Past Minutes

- (1) Regular minutes of October 3, 2006
- (2) Special Council minutes of October 10, 2006
- (3) Regular minutes of October 17, 2006
- (4) Regular minutes of October 24, 2006
- (5) Regular minutes of October 31, 2006

Deferred to 4/17/07, per City Clerk, and Orders of the Day.

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances.

- (a) ORD. NO. 27992 – Amending Section 3.36.1555 of Chapter 3.36 of Title 3 of the San José Municipal Code to provide for payment of certain prior service costs by police members of the Police and Fire Department Retirement Plan.

Ordinance No. 27992 adopted.

- (b) ORD. NO. 27993 – Establishing a public way on the southern portion of Selma Olinder Park.

Ordinance No. 27993 adopted.

- (c) ORD. NO. 27998 – Rezoning certain real property situated on the southerly side of Silver Creek Valley Road, at the southerly terminus of Fontanoso Way to A(PD) Planned Development Zoning District. PDC06-095

Ordinance No. 27998 adopted.

- (d) ORD. NO. 27999 – Rezoning certain real property situated on the northwest corner of South Sunset Avenue and Shortridge Avenue (25 South Sunset Avenue) to CG Commercial General Zoning District. C07-013

Ordinance No. 27999 adopted.

- (e) ORD. NO. 28000 – Rezoning certain real property situated at the northeast corner of Elm Street and McKendrie Street (960 Elm Street) to R-1-8 Single Family Residence Zoning District. C07-016

Ordinance No. 28000 adopted.

- (f) ORD. NO. 28001 – Rezoning certain real property situated at the east side of Meridian Avenue approximately 200 feet northerly of Foxworthy Avenue (2988 Meridian Avenue) to CN Commercial Neighborhood Zoning District. C07-011

Ordinance No. 28001 adopted.

2. CONSENT CALENDAR

2.2 Final adoption of ordinances (Cont'd.)

- (g) ORD. NO. 28002 – Rezoning certain real property situated on the west side of the Union Pacific right of way 1040 feet due west of the center of the intersection of Lundy Avenue and Berryessa Road (1655 Berryessa Road) to LI – Light Industrial Zoning District. C07-014

Ordinance No. 28002 adopted.

- (h) ORD. NO. 28003 – Rezoning certain real property situated at the southeast terminus of Miracle Mountain Drive to A(PD) Planned Development Zoning District. PDC04-014

Ordinance No. 28003 adopted.

2.3 Request for an excused absence/late arrival for Councilmember Campos.

Recommendation: Request for a late arrival for Councilmember Campos for the Study Session on March 22, 2007 due to a Personal Medical Appointment. (Campos)
(Rules Committee referral 3/21/07)

Approved.

2.4 Request for an excused absence for Councilmember Chirco.

Recommendation: Request for an excused absence for Councilmember Chirco from the Council Study Session on March 15, 2007 due to Illness. (Chirco)
(Rules Committee referral 3/21/07)

Approved.

2.5 Request for an excused absence for Vice Mayor Cortese.

Recommendation: Request for an excused absence for Vice Mayor Cortese from the Closed Session Meeting on March 20, 2007 due to Authorized City Business: Conference Call. (Cortese)

(Rules Committee referral 3/21/07)

Approved.

2.6 Approval of report on bids and award of contract for the Forestwood Drive Main Replacement Project.

Recommendation: Report on bids and award of contract for the Forestwood Drive Main Replacement to the low bidder, Pacific Underground Construction, in the amount of \$391,850 and approval of a contingency in the amount of \$40,000. CEQA: Exempt, File No. PP06-217. Council District 8. (Environmental Services)

Approved.

2. CONSENT CALENDAR

2.7 Approval of an ordinance related to solid waste, Construction and Demolition Diversion Deposit Services.

Recommendation: Approval of an ordinance amending Chapter 9.10 of Title 9 of the San José Municipal Code to implement modifications associated with residential solid waste and Construction and Demolition Diversion Deposit Services, and adoption of a resolution amending the Administrative Citation Schedule of Fines. CEQA: Not a Project. (Environmental Services)

Ordinance No. 28007 passed for publication.

Resolution No. 73712 adopted.

Staff requested to provide an information memorandum outlining the plan for outreach and education. Staff also asked to consider posting frequently asked questions on the web site.

2.8 Approval of actions related to the Willow Glen Woods Affordable Rental Housing Project.

Recommendation:

(a) Adoption of an Appropriation Ordinance and Funding Sources Resolution to the Housing Trust Fund as follows:

(1) Decrease the Ending Fund Balance by \$63,000.

(2) Increase the Housing & Homeless Projects appropriation by \$63,000.

Ordinance No. 28008 adopted.

Resolution No. 73713 adopted.

(b) Adoption of a resolution approving a predevelopment loan of up to \$63,000 to Satellite Housing, Inc., for the Willow Glen Woods affordable rental housing project proposed on a portion of a City-owned property on the east side of the Almaden Expressway frontage road, northerly of Canoas Garden Avenue.

CEQA: Not a Project. Council District 6. (Housing/City Manager's Office)

Resolution No. 73714 adopted.

2.9 Approval of actions related to the Guadalupe River Park & Gardens.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute a grant agreement with the Friends of Guadalupe River Park & Gardens to develop a proposed amendment to the Guadalupe Gardens Master Plan to include design guidelines and a preferred location for a dog park within the Gardens of an amount not to exceed \$75,000. CEQA: Not a Project. Council District 3. (Parks, Recreation and Neighborhood Services)

Resolution No. 73715 adopted.

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session

Mayor Reed, Chair

Recommendation: Approval of City Council Study Session Minutes:

- (a) Evergreen – East Hills Vision Strategy of October 20, 2006
- (b) San José 2020 General Plan of October 27, 2006
- (c) Facility Re-use Strategy of December 8, 2006
- (d) Solar and Energy Issues of January 25, 2007

Deferred to 4/10/07, per City Clerk, and Orders of the Day.

3.2 Report of the Rules and Open Government Committee – March 14, 2007

Mayor Reed, Chair

- (a) City Council
 - (1) Review New Add Items to March 20, 2007 Agenda
 - (2) Review March 27, 2007 Draft Agenda
- (b) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (c) Legislative Update
 - (1) State
 - (2) Federal
- (d) Meeting Schedules
 - (1) Setting Hearing for spring 2007 for General Plan Amendments and Initiating the Reestablishment of a fall Annual Review of the General Plan. (Planning, Building and Code Enforcement)
Recommend deferral to March 21, 2007
- (e) The Public Record
- (f) Appointments to Boards, Commissions and Committees
- (g) Rules Committee Reviews, Recommendations and Approvals
 - (1) Request to consider waiving the closed session privilege and the release of all documents regarding recent negotiation with the San José Police Officer's Association and International Association of Fire Fighters Local 230.
Deferred from March 7, 2007
 - (2) Response to the Report of the Government Reforms & Ethics Subcommittee of the Mayor's Transition Committee.
(Continued from 3/7/07)
See Item 9.1 for Council Action to be taken.
 - (3)
 - (a) Request to Add to City Auditor's 2006-07 Workplan: Review Fee payments by City's Franchised Haulers.
 - (b) Response to Environmental Services request to add to City Auditor's 2006-07 Workplan.
 - (4) Address Councilmember Cortese's Concerns regarding Consolidated Water Utility Fund Audit.
- (h) Review of Council Committee Agendas

3. STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules and Open Government Committee – March 14, 2007 (Cont'd.)

Mayor Reed, Chair

- (i) Open Government Initiatives
 - (1) Reed Reforms
 - (2) Sunshine Reform Task Force
 - (3) Significant Public Records Act Requests
 - (4) Council Policy Manual Update
- (j) Open Forum
- (k) Adjournment

Deferred to 4/10/07, per City Clerk, and Orders of the Day.

3.2 Report of the Rules and Open Government Committee – March 7, 2007

Mayor Reed, Chair

- (a) City Council
 - (1) Review March 13, 2007 Final Agenda
The Committee approved the March 13, 2007 City Council Agenda.
 - (2) Review March 20, 2007 Draft Agenda
The Committee approved the Draft March 20, 2007 City Council Agenda with eight additions.
- (b) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (c) Legislative Update
 - (1) State
 - (2) Federal
There were none.
- (d) Meeting Schedules
There were none.
- (e) The Public Record
The Committee noted and filed the Public Record.
- (f) Appointments to Boards, Commissions and Committees
There were none.
- (g) Rules Committee Reviews, Recommendations and Approvals
 - (1) Staff Analysis Conducted Regarding Proposed San José Human Rights Commission Resolution regarding “No-Match” Letters.
(Continued from 2/14/07)
The Committee accepted the Staff report without further action on the resolution. The Committee directed Staff to communicate to the Human Rights Commission by way of appreciation for bringing forward this issue and to share with all Boards and Commissions a copy of Council Policy 0-11 relative to the adoption of Council resolutions.

3. STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules and Open Government Committee – March 7, 2007 (Cont'd.) Mayor Reed, Chair

- (g) Rules Committee Reviews, Recommendations and Approvals (Cont'd.)
(2) Response to the Report of the Government Reforms & Ethics Subcommittee of the Mayor's Transition Committee.
(Deferred from 2/28/07)

The Committee took the following actions:

Lobbyist Reforms

Recommendations 1, 3, 6: Deferred one week.

Recommendation 2: Change to a two year standard and move forward to the full Council.

Recommendation 4: Already in process, no further action required.

Recommendation 5: Referred to the City Attorney and the City Clerk.

Recommendation 7: Dropped.

Campaign Finance Reform Reed #19: "Plug Loopholes ..." will be kept on the list and will not be referred to the Elections Commission.

Global View

Recommendation 1: Processed, as currently in motion with General Plan.

Recommendation 2: Study Session has been scheduled for March 29, 2007 and Staff will report back to the Rules and Open Government Committee in May 2007.

Recommendations 3, 4, 5: Already in motion, no further action needed.

Additional Reforms

Recommendation 1: In process, no further action needed.

Recommendation 3: Deferred to October 2007.

- (3) Request to consider waiving the closed session privilege and the release of all documents regarding recent negotiation with San José Police Officer's Association and International Association of Fire Fighters Local 230.
The Committee deferred this item to 3/14/07.

- (h) Review of Council Committee Agendas
There were none.

- (i) Open Government Initiatives
There were none.

- (j) Open Forum
Bill Chew spoke to the Mayor's State of the City Address and commented that the City of San José is the greatest City in the World.

- (k) Adjournment
(Deferred from 3/27/07 – Item 3.2)
The meeting was adjourned at 4:01 p.m.

3. STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules and Open Government Committee – February 28, 2007

Mayor Reed, Chair

(a) City Council

(1) Review March 6, 2007 Final Agenda

The Committee approved the March 6, 2007 City Council Agenda with three additions.

(2) Review March 13, 2007 Draft Agenda

The Committee approved the March 13, 2007 Draft City Council Agenda with five additions.

(b) Redevelopment Agency items reported out at Redevelopment Agency meeting

(c) Legislative Update

(1) State

(a) City's Legislative Process and Suggested Methods for Taking Timely Action on Pending Issues.

(Continued from 2/7/07)

The Committee approved the following: (1) Add the following legislative statement to the Rules and Open Government Committee Mission: "Council Agenda Setting, Committee Agenda Setting; City Auditor Work Plan; Legislative review and recommendation of position setting; Commission appointments that do not require interviews by the full Council, ensuring accessible, responsive, transparent and accountable government." (2) Refer the Report to the Mayor's Office for further recommendations for changes in the process or procedures. (3) Bring back any further changes to the Committee.

(2) Federal

There were none.

(d) Meeting Schedules

(1) Setting a hearing for Spring 2007 for General Plan Amendments and Initiating the Reestablishment of a Fall Annual Review of the General Plan.

(Continued from 2/7/07)

The Committee deferred this item to March 14, 2007.

(e) The Public Record

The Committee noted and filed the Public Record.

3. STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules and Open Government Committee – February 28, 2007

Mayor Reed, Chair (Cont'd.)

- (f) Appointments to Boards, Commissions and Committees
 - (1) Project Diversity Screening Committee Nomination.
(Deferred from 2/7/07)
The Committee appointed Alexander Hull to the Project Diversity Screening Committee.
- (g) Rules Committee Reviews, Recommendations and Approvals
 - (1) Council Committee Procedures.
The Committee approved the procedures and forwarded the matter to the March 13, 2007 Council Meeting.
 - (2) United States Conference of Mayors January 24-26, 2007 Trip Report.
The Committee accepted the Report.
 - (3) Response to the Report of the Government Reforms & Ethics Subcommittee of the Mayor's Transition Committee.
(Continued from 1/24/07)
The Committee agreed to defer this item to March 7, 2007.
 - (4) Public Safety, Finance and Strategic Support Committee.
The Committee approved the recommendation.
 - (5) Disclosure of Ownership of Property Located within a Redevelopment Area.
The Committee noted and filed the Disclosure.
 - (6) Council Expenditures and Reimbursements.
(Continued from 1/31/07)
The Committee deferred this item to March 7, 2007.
- (h) Review of Council Committee Agendas
There were none.
- (i) Open Government Initiatives
There were none.
- (j) Open Forum
Mark Trout expressed religious points of view.
- (k) Adjournment
(Deferred from 3/20/07 – Item 3.2 and 3/27/07 – Item 3.2)
The meeting was adjourned at 3:35 p.m.

The Rules and Open Government Committee Reports and the Actions of March 7, 2007 and February 28, 2007, were accepted.

3. STRATEGIC SUPPORT SERVICES

- 3.3 Report of the Public Safety, Finance and Strategic Support Committee
Councilmember Nguyen, Chair
No Report.**

- 3.4 Approval of actions related to the Military Leave Program.**

Recommendation: Acceptance of staff report regarding:

- (a) New comprehensive orientation program for all employees applying for supplemental military leave benefits, including a method to obtain customer feedback.
- (b) Further improvements to the reconciliation process, including the overpayment and underpayment of supplemental military pay; and
- (c) Information on pays that are included by City Council action, as well as those that have been excluded as a result of past Council actions.

CEQA: Not a Project. (City Manager's Office)

Deferred to 4/24/07, per Administration, under Orders of the Day.

- 3.5 Acceptance of report on the February 20, 2007 Priority Setting Session.**

Recommendation:

- (a) Acceptance of report on the February 20, 2007 Priority Setting Session.
- (b) Approval of the following as the City's mission statement: The Mission of the City of San José is to provide quality public services, facilities and opportunities that create, sustain and enhance a safe, livable and vibrant community for its diverse residents, businesses and visitors.
- (c) Approval of the following three year goals as discussed by Council at the February 20, 2007 session:
 - (1) Maintain our status as the safest big city in America.
 - (2) Eliminate the structural budget deficit.
 - (3) Reduce deferred maintenance and the infrastructure backlog and develop a strategy to improve the infrastructure.
 - (4) Increase economic vitality.
 - (5) Provide full funding for parks, pools, community centers and libraries, including maintenance, operation and development.
- (d) Approval of the six-month strategic objectives set as established at the February 20, 2007 Priority Setting Session.

(Mayor)

(Rules Committee referral 3/21/07)

Report Accepted.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Report of the Community & Economic Development Committee – March 19, 2007 Councilmember Pyle, Chair

- (a) Planning, Building & Code Enforcement Survey Results.
(Deferred from 2/26/07)

The Committee accepted the Staff Report.

- (b) Team San José and Convention Center Update.
The Committee accepted the Staff Report.

- (c) North San José Vision 2030 Implementation
The Committee accepted the Staff Report.
See Item 4.3 for Council Action taken.

- (d) Economic Indicators.
(Deferred from 2/26/07)
The Committee accepted the Staff Report.

- (e) Oral Petitions
There were none.

- (f) Adjournment
The meeting was adjourned at 11:08 a.m.

The Community & Economic Development Committee Report and the Actions of March 19, 2007, were accepted.

4.2 Public Hearing of the Consolidated Plan Annual Action Plan for FY 2007-2008.

Recommendation: Open Public Hearing on the draft Annual Action Plan for Fiscal Years 2007-2008, and announce that on April 3, 2007, the draft Action Plan will be made available to the public, officially beginning the thirty-day public comment period, which will end on May 3, 2007. CEQA: Not a Project. (Housing)

The Public Hearing was held.

The Draft Annual Action Plan for Fiscal Years 2007-2008 is available to the public officially beginning April 3, 2007 and ending on May 3, 2007.

4.3 Acceptance of the staff report on the implementation of the North San Jose Vision 2030 Plan.

Recommendation: Acceptance of the staff report on the implementation of the North San Jose Vision 2030 Plan. CEQA: Not a Project. (Economic Development/Planning, Building & Code Enforcement)

[Community and Economic Committee 3/19/07 – Item 4.1(c)]

Report Accepted.

5. NEIGHBORHOOD SERVICES

- 5.1 Report of the Neighborhood Services and Education Committee**
Councilmember Chirco, Chair
No Report.

- 5.2 Approval of actions related to the Northside Community Center Request for Proposal.**

Recommendation:

- (a) Reject the only response submitted by Asian American Recovery Services, Inc. in response to the request for proposal to operate the Jacinto “Tony” Siquig Northside Community Center.
- (b) Add the NCC to the list of facilities to be considered in the Community Center Re-Use discussion, which will be addressed in the 2007-08 budget process in accordance with the Mayor’s 2007 Budget Message of March 9, 2007.

CEQA: Not a Project. Council District 3. SNI: Thirteenth Street. (Parks, Recreation and Neighborhood Services)

(Deferred from 3/13/07 – Item 5.3)

Heard no earlier than 3:00 p.m.

Staff directed to:

- (1) **Require AARS to submit within two weeks, a list of all partner community based organization (CBO) providers, specifically describing the services they will commit to provide, and further specifying a minimum quantity of hours per week and anticipated clients per week.**
- (2) **Require AARS to submit within that two week period, a letter of commitment from the Board of Directors (or Executive Director) of each of those partner CBOs describing with specificity the extent and duration of their commitment.**
- (3) **Defer consideration of this item for 7 weeks to permit adequate outreach to surrounding neighborhoods, during which time Staff shall coordinate with the District 3 Council Office outreach to the surrounding neighborhoods, specifically, Hensley, Japantown, Northside and the 13th Street NAC.**
- (4) **In the interim, Parks, Recreation and Neighborhood Staff shall continue to operate and manage the facility.**

6. TRANSPORTATION & AVIATION SERVICES

- 6.1 Report of the Transportation and Environment Committee**
Councilmember Williams, Chair
No Report.

6. TRANSPORTATION & AVIATION SERVICES

6.2 Approval of fiscal actions for Redevelopment Agency Capital Projects.

Recommendation: Adoption of the following Appropriation Ordinance and Funding Sources Resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund):

- (a) Increase the estimate for Earned Revenue by \$2,507,654.
- (b) Establish an appropriation to the Department of Transportation for the North San José Transportation Infrastructure Design project (PSM #483) in the amount of \$1,107,654.
- (c) Establish an appropriation to the Department of Transportation for the Charcot Avenue Overcrossing/US 101/Trimble Road/De La Cruz Avenue Interchange project (PSM #484) in the amount of \$1,400,000.

CEQA: Not a Project. Council District 4. (City Manager's Office/Transportation)

Ordinance No. 28009 adopted.

Resolution No. 73716 adopted.

7. ENVIRONMENTAL & UTILITY SERVICES

8. PUBLIC SAFETY SERVICES

8.1 Acceptance of staff's response to the Civil Grand Jury Report entitled, "Inquiry into Expenditures for the City of San José Mayor's Travel and Security."

Recommendation: Acceptance of the San José Police Department's response to the 2006-2007 Santa Clara County Civil Grand Jury's report entitled "Inquiry Into Expenditures for the City of San José Mayor's Travel and Security". CEQA: Not a Project. (Police)

Accepted.

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

The Joint Council/Redevelopment Agency Board was convened at 7:09 p.m. to consider Item 9.1 in a Joint Session.

9.1 Approval of actions related to the Mayor's Transition Subcommittee on Government Reforms and Ethics.

(Item continued on the next page)

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

9.1 Approval of actions related to the Mayor's Transition Subcommittee on Government Reforms and Ethics (Cont'd.)

- (a) Approval of staff's recommended methodology to implement a Pilot Program for a cost benefit analysis for City and Agency projects, activities and events seeking public funding.

(Deferred from 3/27/07 – Item 9.1)

Approved, with Staff directed to:

- (1) **Work expeditiously with the Sunshine Reform Task Force to receive and analyze the Task Force's recommendations. This analysis shall be presented to the City Council within three weeks of the Task Force's submission of recommendations along with any further referrals and recommendations.**
 - (2) **Return with what can legally be required for wages and benefits.**
- (b) Discussion and direction regarding amending Chapter 12.10 of the San José Municipal Code ("the Revolving Door Ordinance") from 1 to 2 years; and amending Chapter 12.12 of the San José Municipal Code ("the Lobbyist Ordinance") to require disclosure and/or ban of success fees, to reduce the number of hours required to register as a lobbyist from 20 hours within any three month period to 10 hours within any twelve month period, to aggregate the number of hours for individuals who lobby for the same organization, and to exempt tax exempt Internal Revenue Code Section 501(c) 3 organizations.

CEQA: Not a Project. (City Manager's Office/City Attorney's Office)

(Rules Committee referral 3/7/07 and 3/14/07 – Item G2)

Heard in the evening. 9.1(b) heard first.

The City Attorney was directed to return to Council with:

- (1) **Amendments to the revolving Door ordinance to extend the existing prohibitions from one year to two years.**
- (2) **Amendments to the lobbyist ordinance to ban success fees and in those cases where the City cannot ban success fees, require disclosure to the to the City Clerk for posting on the internet prior to meeting with City officials.**
- (3) **Amendments to the lobbyist reporting form to require more disclosure by adding more income categories and a category for success fees.**
- (4) **Amendments to the lobbyist ordinance to reduce the number of hours required for an in-house lobbyist to register, from 20 hours within any three month period, to 10 hours within a 12 month period and to aggregate the number of hours spent by different individuals from the same legal entity in determining the 10 hour threshold, and including:**
 - (a) **Amendments to the lobbyist ordinance to create an exemption from registration for nonprofit organizations that are tax exempt organizations under Internal Revenue Code Section 501(c)3.**
 - (b) **Amendments to the lobbyist ordinance to make clear that if a developer is required to register as a lobbyist they cannot avoid registration by having a contract lobbyist.**

(Item continued on the next page)

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

9.1(b) Approval of actions related to the Mayor's Transition Subcommittee on Government Reforms and Ethics (Cont'd.)

- (4) (c) Amendments to the lobbyist ordinance to exempt from registration small business owners who are representing themselves and who have not made or solicited contributions, donations, expenditures for or at the behest of the Mayor or Council Members or to independent committees in the San José campaigns within the last year in excess of \$1,000.**
- (5) Provide, as part of the new employee orientation, information relating to the revolving door policy.**
- (6) Explore options for employees to disclose when they meet with lobbyists.**

The Joint Council/Redevelopment Agency Board was adjourned at 9:18 p.m.

- **Notice of City Engineer's Pending Decision on Final Maps**

In accordance with Sec. 19.16.140d of the San José Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>	<u>Proposed Decision</u>
9730	South side of Mount Pleasant Road, 250 feet north of Marten Ave.	5	J & J Land Development, LLC	6 Lots / 6 Units	SFD	Approve
9743	Northwest corner of Springbrook Ave. and Canyon Ridge Drive	8	Red Horizon II, LLC	7 Lots / 4 Units	SFD	Approve
9863	Northeast corner of N. Capitol Ave and Grandview Drive	4	Blossom Valley Investors, Inc.	6 Lots / 45 Units	MFA	Approve

- **Notice of City Engineer's Award of Construction Projects**
None.

- **Open Forum**

- (1) Robert Apgar voiced personal observations.**
- (2) Mark Trout expressed religious points of view.**

- **Adjournment**

The Council of the City of San José adjourned the afternoon session at 4:39 p.m.

10. GENERAL PLAN PUBLIC HEARINGS

No General Plan Public Hearing at this time.

11. PUBLIC HEARINGS ON CONSENT CALENDAR

(Heard by the City Council at 7:01 p.m.)

11.1 Public Hearings on Consent Calendar.

Recommendation:

- (a) Consideration of an ordinance rezoning the real property located at/on the west side of Spar Avenue, approximately 130 feet northerly of Olin Avenue from unincorporated county to R-1-8 Single-Family Residence Zoning District to allow single family residential uses on a 0.21 gross acre site (383 Spar Avenue)(Mr Ali Zahabi, Owner). CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

C06-114 – District 1

Ordinance No. 28010 passed for publication.

END OF PUBLIC HEARINGS ON CONSENT CALENDAR

11. PUBLIC HEARINGS

11.2 Administrative Hearing on consideration of an appeal of the Planning Commission's decision to deny a Planned Development Permit and Determination of Public Convenience or Necessity.

Recommendation: Administrative Hearing on consideration of an appeal of the Planning Commission's decision to deny a Planned Development Permit and Determination of Public Convenience or Necessity to allow off-sale of alcoholic beverages and a new sign at an existing retail store (Taylor Street Market) on a 9.02 gross acre site, in the A(PD) Planned Development Zoning District, located at/on the southwest corner of East Taylor and North Ninth Streets (350 E Taylor St) (The Esplanade, Owner). CEQA: Exempt. Planning Commission denied; Director of Planning, Building and Code Enforcement and Planning Commission recommend City Council approval with finding of overriding public benefit.

PD06-015/ABC06-014 – District 3

(Continued from 12/5/06 – Item 11.5 and 3/20/07 – Item 11.3)

The Planned Development Permit and Determination of Public Convenience or Necessity was approved with the finding of overriding public benefit, including:

- (1) No alcohol sales permitted after 9:00 p.m.
- (2) Sales to be restricted to beer and wine only, no hard liquor.
- (3) The signage of alcohol and beer to be restricted to no more than 25% of the window space.

Resolution No. 73717 adopted.

11.3 Administrative Hearing on consideration of an appeal of the Planning Commission's decision to approve a Conditional Use Permit Amendment.

Recommendation: Administrative Hearing on consideration of an appeal of the Planning Commission's decision to approve a Conditional Use Permit Amendment for a timely renewal with reduced operating hours of an existing drinking and entertainment establishment, on a 0.64 gross acre site in the LI Light Industrial Zoning District, located on the west side of Oakland Road approximately 430 feet south of Horning Street. SNI: 13th Street. CEQA: Exempt. Director of Planning, Building and Code Enforcement recommends to uphold the decision of the Planning Commission to conditionally approve the renewal of a Conditional Use Permit Amendment.

CPA00-051-01 – District 3

(Continued from 3/20/07 – Item 11.2)

Decision to uphold the Planning Commission's decision to conditionally approve the renewal of a Conditional Use Permit Amendment was upheld with conditions:

- (1) Comply with all conditions imposed by CUP issued in 2000 (CP00-051).
- (2) Monday - Friday hours until 12:00 Midnight.
- (3) Friday - Saturday hours until 2:00 a.m., with music to stop at 1:00 a.m.
- (4) Litter clean up condition.
- (5) One year Compliance Review Hearing with 1,000 foot noticing radius to surrounding residences.

Resolution No. 73718 adopted.

Noes: Campos.

11. PUBLIC HEARINGS

11.4 Rezoning the real property located on the south side of William Street.

Recommendation: Consideration of an ordinance rezoning the real property located on the south side of William Street, approximately 350 feet westerly of South 24th Street from LI Light Industrial Zoning District to A(PD) Planned Development Zoning District to allow up to 67 single-family attached and detached residences on a 3.48 gross acre site (1090 East William Street)(22nd & William Street, Owner). SNI: Five Wounds/ Brookwood Terrace. CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommended approval (7-0-0). PDC06-040 – District 3

[Continued from 3/20/07 – Item 11.1(b)]

Ordinance No. 28011 passed for publication.

- **Open Forum**
None were presented.

- **Adjournment**
The Council of the City of San José adjourned at 9:42 p.m.